

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 39-61 are pending. Claims 41, 42, 48, 55, and 56 were withdrawn by the outstanding Office Action. In the present amendment, Claims 39, 40, 45, 47, 49, 51, and 54 are currently amended and Claims 59-61 are added. Support for the present amendment can be found in originally filed specification, for example, at page 7, lines 18-23, at page 11, line 16 to page 13, line 2, and in Figures 3 and 4. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 39-58 were rejected under 35 U.S.C. § 112, first paragraph; Claim 49 was rejected under 35 U.S.C. § 112, second paragraph; Claims 39, 40, 43, 44, 51-54, 57, and 58 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hodgson (U.S. Patent No. 3,645,835); Claims 45, 46, and 50 were rejected under 35 U.S.C. § 103(a) as unpatentable over Clavin (U.S. Patent No. 4,653,483); Claim 47 was rejected under 35 U.S.C. § 103(a) as unpatentable over Clavin in view of Samuelsen et al. (U.S. Patent No. 6,482,491, hereinafter “Samuelsen”); and Claim 49 was rejected under 35 U.S.C. § 103(a) as unpatentable over Clavin in view of Hodgson.

The specification is hereby amended to correct some minor informalities. Support is deemed to be self-evident from the original specification. Thus, it is respectfully submitted that no new matter is added.

In response to the rejection under 35 U.S.C. § 112, first paragraph, Applicant respectfully traverses this rejection, as discussed below.

Regarding Claim 39, it is respectfully submitted that the shape of the stretchable tape member can be seen at least in Figure 2, as well as in Figures 1, 5, and 7. Specifically, the description of Figure 2 at page 9, lines 3-12 of the specification shows that the width of the

tape is equal along the entire longitudinal direction of tape. Additionally, Figures 1, 5, and 7 show that the thickness of the tape is equal along the entire longitudinal direction of the tape.

Regarding the claim language “has a resilient shrinkability larger than tension of skin on the eyelid,” it is respectfully submitted that this term is described at least in Figures 3 and 4, and at page 11, line 16 to page 13, line 2 of the specification. Specifically, the tape member, in a stretched state, has a resilient shrinkability that is larger than the tension of the skin on the eyelid. Thus, the tape member can shrink together the skin on the eyelid without breaking into the eyelid when the tape member adheres to the eyelid in a stretched state. Accordingly, a double fold is made in the eyelid.

Regarding the claim language “a part configured to be removed” in Claims 44, 50, and 58, the specification at least at page 12 lines 10 and 11, and in Figure 4, explains that both ends of the tape member are removed after allowing the tape member to adhere to the eyelid.

Regarding Claim 45, it is respectfully submitted that the shape of the string member in an unstretched state can be understood at least from Figures 12 and 14. Additionally, regarding the resilient shrinkability, please see the discussion above with respect to Claim 39.

Regarding Claim 51, it is noted that Claim 51 no longer recites “a manner sequential to the pair of holding portions.” Additionally, regarding the cross sections of the first and second surfaces, please see the discussion above with respect to Claim 39. Regarding Claim 52, please see the discussion above with respect to Claim 39.

Accordingly, in view of the above discussion, Applicant respectfully submits that the written description provides full support for all of the claim language. Thus, it is respectfully requested that the rejection of Claims 39-58 under 35 U.S.C. § 112, first paragraph be withdrawn.

In response to the rejection of Claim 49 under 35 U.S.C. § 112, second paragraph, Claim 49 is hereby amended as suggested in the Office Action. Thus, it is respectfully requested that the rejection of Claim 49 under 35 U.S.C. § 112, second paragraph be withdrawn.

In response to the rejections under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverses these rejections, as discussed below.

Amended Claim 39 recites:

A double eyelid forming article of manufacture for forming a fold on an eyelid of a user, comprising:

a resiliently stretchable elongate tape member configured to adhere to the eyelid in a stretched state along a longitudinal direction, wherein the tape member in the stretched state is configured to have a resilient shrinkability larger than a tension of skin on the eyelid and also has a sufficient width and a sufficient length such that the tape member is configured to form the fold on the eyelid by adhering to the eyelid while the tape member is in the stretched state and subsequently recoiling back toward an unstretched state to form a double eyelid due to the resilient shrinkability, wherein

the tape member includes a first surface and a second surface to elongate consistently along the entire longitudinal direction of the tape member while these surfaces are oppositely faced to each other,

the first surface and the second surface each have a pair of side edges that consistently elongate along the entire longitudinal direction of the tape member,

the individual side edges of the first surface and the second surface are each in linear forms in parallel to each other along the whole longitudinal direction of the tape member when the tape member is in the unstretched state,

cross sections of the first surface and the second surface perpendicular to the longitudinal direction of the tape member each have a flat form along the entire longitudinal direction of the tape member when the tape member is in the unstretched state,

the cross sections each have a uniform form along the whole longitudinal direction of the tape member when the tape member is in the unstretched state,

the first surface and the second surface each have an adhesive layer covering an entirety of the first surface and the second surface, and

the tape member has a consistent and integral form made from a synthetic resin material along the entire longitudinal direction.

Accordingly, Claim 39 is hereby amended to clarify that the resiliently stretchable elongate tape member has a configuration such that the tape member can form a fold on the eyelid by adhering to the eyelid while the tape member is in the stretched state and subsequently recoiling back toward an unstretched state to form a double eyelid. Thus, it is the structure of the tape member that allows the double eyelid to be formed. It is respectfully submitted that the cited references do not disclose or suggest every feature recited above.

Hodgson describes a surgical drape including a backing material 2 and an adhesive 4.¹

However, it is respectfully submitted that Hodgson does not disclose or suggest “a resiliently stretchable elongate tape member configured to adhere to the eyelid in a stretched state along a longitudinal direction, wherein the tape member in the stretched state is configured to have a resilient shrinkability larger than a tension of skin on the eyelid and also has a sufficient width and a sufficient length such that the tape member is configured to form the fold on the eyelid by adhering to the eyelid while the tape member is in the stretched state and subsequently recoiling back toward an unstretched state due to the resilient shrinkability to form a double eyelid,” as recited in amended Claim 39.

Instead, Hodgson does not disclose that the drape has a resilient shrinkability larger than tension of skin on the eyelid. As explained in the specification, for example on page 11, line 16 to page 13, line 2, the resilient shrinkability is a property of the tape that produces in a

¹ See Hodgson, at column 10, lines 27 and 28 and Figure 7.

constructive force for resiliently restoring the tape to its original state after it has been stretched. Thus, the resilient shrinkability of the tape is a ***structural property*** of the tape. Further, Claim 39 recites that the resilient shrinkability produces a force that is larger than tension of skin on the eyelid so that the stretched tape attached to the eyelid will recoil back toward an unstretched state to form a double eyelid. Accordingly, Applicant respectfully submits that the above-quotes section of Claim 39 is not merely an intended use, but instead quantifies a structural property of the tape that should be given patentable weight.

Therefore, it is respectfully submitted that Hodgson does not disclose or suggest every feature recited in amended Claim 39. Thus, it is respectfully requested that the rejection of Claim 39, and all claims dependent thereon, based on Hodgson be withdrawn.

Independent Claim 51 recites, in part, a double eyelid forming article of manufacture for forming a fold on an eyelid of a user, comprising “the adhering portion, when the elongate member is stretched along the longitudinal direction by holding the pair of holding portions, is configured to have a resilient shrinkability larger than a tension of skin on the eyelid and also to have a sufficient width and a sufficient length to form the fold, and the elongate member is configured to form the double fold by adhering to the eyelid when the elongate member is in the stretched state and subsequently recoiling back toward the unstretched state due to the resilient shrinkability.”

In view of the above discussion of Hodgson with respect to Claim 39, it is respectfully submitted that Hodgson does not disclose or suggest every feature recited in amended Claim 51. Thus, it is respectfully requested that the rejection of Claim 51, and all claims dependent thereon, based on Hodgson be withdrawn.

Independent Claim 45 recites, in part, a double eyelid forming article of manufacture for forming a fold on an eyelid of a user, comprising “a resiliently stretchable elongate string member configured to adhere to the eyelid in a stretched state along a longitudinal direction,

wherein the string member in the stretched state is configured to have a resilient shrinkability larger than a tension of skin on the eyelid and also has a sufficient width and a sufficient length such that the string member is configured to form the fold on the eyelid by adhering to the eyelid while the string member is in the stretched state and subsequently recoiling back toward an unstretched state due to the resilient shrinkability to form a double eyelid.”

Clavin describes an adhesive strip 32 configured to hold the skin of the upper eyelid 10 which is pulled gently down over the adhesive strip 32 to reduce bagging of the upper eyelid 10.² Thus, Clavin describes that the adhesive strip 32 is first placed on the eyelid 10, and then a user folds the eyelid 10 over the adhesive strip 32.

However, it is respectfully submitted that Clavin does not disclose or suggest “a resiliently stretchable elongate string member configured to adhere to the eyelid in a stretched state along a longitudinal direction, wherein the string member in the stretched state is configured to have a resilient shrinkability larger than a tension of skin on the eyelid and also has a sufficient width and a sufficient length such that the string member is configured to form the fold on the eyelid by adhering to the eyelid while the string member is in the stretched state and subsequently recoiling back toward an unstretched state due to the resilient shrinkability to form a double eyelid,” as recited in amended Claim 45.

Instead, as discussed above, it is respectfully submitted that Clavin describes that the adhesive strip 32 is placed on the upper eyelid 10, and then the user folds the eyelid 10 onto the adhesive strip 32. Thus, Clavin is silent regarding any resilient shrinkability of the adhesive strip 32 to overcome tension of skin on the eyelid 10. Additionally, it is respectfully submitted that Clavin does not describe that the tape member is configured to adhere to the eyelid in a stretched state and then recoil back toward an unstretched state while maintaining adherence to the eyelid 10. As discussed above, Applicant respectfully submits that the

² See Clavin, at column 4, lines 26-35 and Figures 6-9.

resilient shrinkability of the string member is a *structural property* that should be given patentable weight.

Therefore, it is respectfully submitted that Clavin does not disclose or suggest every feature recited in Claim 45. Thus, it is respectfully requested that the rejection of Claim 45, and all claims dependent thereon, based on Hodgson be withdrawn.

Turning now to the rejections of Claims 47 and 49, it is noted that these claims are dependent on Claim 45, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 45. Further, it is respectfully submitted that Samuelson and Hodgson do not cure the above-noted deficiencies of Clavin. Thus, it is respectfully requested that the rejections of Claims 47 and 49 be withdrawn.

New Claims 59-61 are added by the present amendment. Support for new Claims 59-61 can be found in the originally filed specification, for example, at page 7, lines 18-23. Thus, it is respectfully submitted that no new matter is added. It is noted that new Claims 59-61 are dependent on Claims 39, 45, and 51, and thus are believed to be patentable for at least the reasons discussed above with respect to Claims 39, 45, and 51.


Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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